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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/803,685      | 03/09/2001  | Takahiro Endo        | 09792909-4804       | 7007             |

26263 7590 10/20/2003

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| EXAMINER |
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RUTHKOSKY, MARK

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| ART UNIT | PAPER NUMBER |
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1745

DATE MAILED: 10/20/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/803,685

Applicant(s)

ENDO ET AL.

Examiner

Mark Ruthkosky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/9/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,3-15 and 17-27 is/are allowed.
- 6) ☒ Claim(s) 2 and 16 is/are rejected.
- 7) ☒ Claim(s) 2 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

No information disclosure statement has been filed in the application. Any foreign search reports for patent applications EP 1,132,988 and JP 2000-072513 (to the same inventors) should be disclosed as part of this U.S. application.

### ***Drawings***

The drawings filed on 3/9/2001 have been approved.

### ***Claim Objections***

Claim 2 and 16 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim states that the first electrode is configured as a pair of first electrodes. Claim 1 states that the first electrode is sealed in the first electrode by joining the collector exposed portions of the first electrode to each other. By changing the claim

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from one electrode to a pair of first electrodes, the claim is broadened. The same argument applies to claim 16.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim states that the first electrode is configured as a pair of first electrodes. Claim 1 states that the first electrode is sealed in the first electrode by joining the collector exposed portions of the first electrode to each other. It is not clear how the second electrode can be held in the first electrode and also be held between two first electrodes. The limitations of the claim contradict one another and therefore the claim is indefinite. The same argument applies to claim 16.

***Allowable Subject Matter***

Claims 1, 3-15 and 17-27 are allowed.

The following is an examiner's statement of reasons for allowance: The instant claims are to a solid electrolyte battery comprising a first electrode including a first collector and a first active material formed on one surface of the first collector with an outer peripheral edge portion of the first collector remaining as a collector exposed portion; a second electrode including a second collector and second active material layers formed on both surfaces of the collector and a

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solid electrolyte interposed between the first and second electrodes wherein the second electrode is held within the first electrode such that the first active material layer is opposed to the second active material formed on both surfaces of the second collector via the solid electrolyte and is sealed in the first electrode by joining the collector exposed portions of the first electrode to each other. The prior art does not teach a solid electrolyte battery wherein the second electrode is held within the first electrode such that the first active material layer is opposed to the second active material formed on both surfaces of the second collector via the solid electrolyte and is sealed in the first electrode by joining the collector exposed portions of the first electrode to each other. Claims 14-27 teach a method of producing a battery that is sealed in the first electrode by joining the collector exposed portions of the first electrode to each other.

The most pertinent prior art includes Mallinson (US 5,714,278) which shows a solid electrolyte battery comprising a first electrode including a first collector and a first active material formed on one surface of the first collector with an outer peripheral edge portion of the first collector remaining as a collector exposed portion (see figure 3); a second electrode including a second collector and second active material layers formed on both surfaces of the collector and a solid electrolyte interposed between the first and second electrodes wherein the second electrode is held within the first electrode such that the first active material layer is opposed to the second active material formed on both surfaces of the second collector via the solid electrolyte (see figure 5.) The reference does not teach a solid electrolyte battery that is sealed in the first electrode by joining the collector-exposed portions of the first electrode to each other. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art does not read upon the instant claims, however, the references include general teachings and relevant features as to the state of the art at the time of the invention.

***Examiner Correspondence***

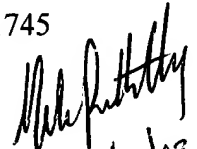
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1193. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Ruthkosky whose telephone number is 703-305-0587. The examiner can normally be reached on FLEX schedule (generally, Monday-Thursday from 9:00-6:00.) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at 703-308-2383.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Mark Ruthkosky

Primary Patent Examiner

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9/30/03